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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/689,279	10/12/2000	Antti Kosola	5070-006 (GC 621)	7791

7590

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EXAMINER

POPOVICS, ROBERT J

ART UNIT

PAPER NUMBER

1724

DATE MAILED: 01/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/689,279

Applicant(s)

Kosola et al.

Examiner

Popovics

Group Art Unit

1724

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE Three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

☒ Responsive to communication(s) filed on 10/28/02

☒ This action is **FINAL**.

- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

☒ Claim(s) 1-21 AND 36-45 is/are pending in the application.

Of the above claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 7-9, 17-19 AND 42-44 is/are allowed.

☒ Claim(s) 1-6, 10-16, 20-21, 36-41 AND 45 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
 - ☐ All ☐ Some* ☐ None of the:
 - ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 8

☐ Notice of Reference(s) Cited, PTO-892

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Interview Summary, PTO-413

☐ Notice of Informal Patent Application, PTO-152

☐ Other _____

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. Claims **1-4** and **10-16** are rejected under 35 U.S.C. 102(b) as being anticipated by **Mattelmaki** (U.S. Patent No. 5,149,448).

See Figs 1-2.

2. Claims **1-4** and **10-16** are rejected under 35 U.S.C. 102(b) as being anticipated by **Baird et al.** (U.S. Patent No. 5,470,472).

See Figs 1-2 and 6.

3. Claims **1-4** and **10-16** are rejected under 35 U.S.C. 102(a) as being anticipated by **Martensson et al.** (U.S. Patent No. 5,968,372).

See Fig 10.

4. Claims **1,3-4** and **10-16** are rejected under 35 U.S.C. 102(b) as being anticipated by **Larsson et al.** (U.S. Patent No. 5,759,397).

See Figs. 3-5.

5. Claims **1-6,12-13,16,20-21,36-41** and **45** are rejected under 35 U.S.C. 102(b) as being anticipated by **French Patent No. 1,165,054**.

See Fig. 1.

Claim Rejections - 35 USC § 112

6. Claims **1-4** and **10-16** are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey

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to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The recitation "***being operatively arranged***" does not appear to be supported by the originally filed specification..

7. Claims 1-4 and 10-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear what Applicants intend by the recitation "***being operatively arranged,***" or how this language distinguishes the instant claimed invention from the applied art.

Allowable Subject Matter

8. Claims 7-9, 17-19 and 42-44 are allowed.

Response to Arguments

9. Applicant's arguments filed October 28, 2002 have been fully considered but they are not persuasive. Applicants have argued: "***None of the cited references discloses or suggests a filter medium applicator being operatively arranged to apply a layer of filter medium to an outer surface of a drum, wherein the filter medium applicator is located adjacent the drum and between a scraper and a container containing a sample medium having components to be separated, as set forth in Claim 1.***" The Examiner appreciates the difference between the applied art and the disclosed invention, namely, the application of filter medium as opposed to the removal of such medium. However, the language of Claim 1 as amended is not seen to define

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over the applied art. Nozzles are disclosed by each of the prior art references that *could be* used to apply a layer of filter medium. As such, they are seen to meet the limitations of the claim.

Conclusion

10. Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on August 13, 2002 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609(B)(2)(i). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Examiner Robert Popovics whose telephone number is (703) 308-0684, and who can normally be reached at this number from 9:30 A.M. through 6:00 P.M. (EST) M-F.



Robert James Popovics
Primary Examiner
Art Unit 1724

rjp
January 12, 2003